

# Toczko Variance Request

## Pearce area

### Parcel 401-21-007

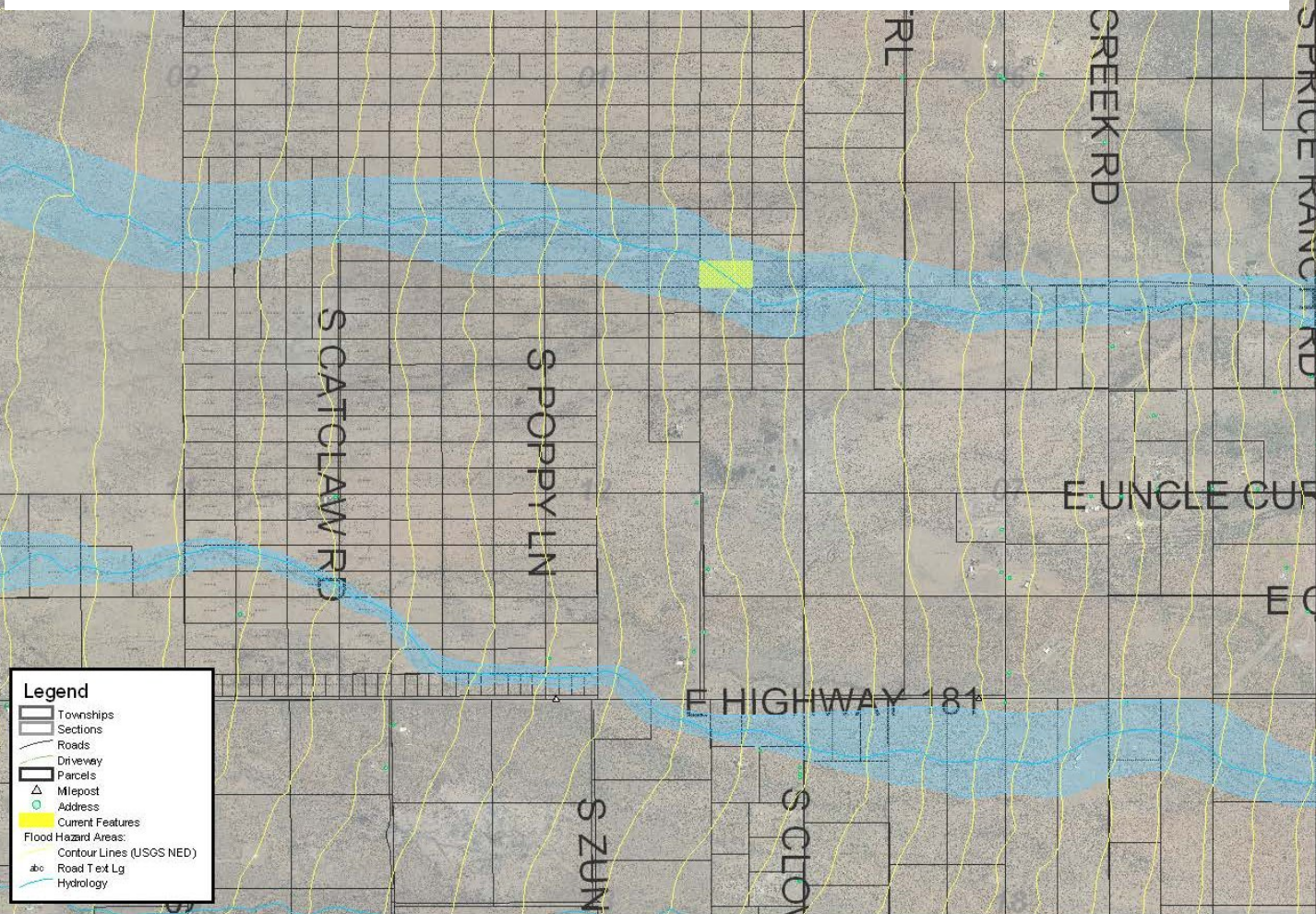


Prc1 401-21-007  
12977 S. Los Gatos Tr

This map is a product of the  
Cochise County GIS



0 1" = 2000'



# Variance request

- The citizens requesting the variance have never had flood issues.
- Good and sufficient cause is their willing and voluntary compliance in correcting zoning violation V-13-385.
- Failure to grant variance would result in financial loss of weekend vacation cabin, physical and psychological hardships for 69 yr old owner in attempting removal.
- Will not create danger or hazard to persons or property evidenced by 18 yrs of flood threats from Turkey Creek that have never endangered the cabin or shed.
- Special circumstances in selecting a safe, solid and dry site for cabin that was within a reasonable distance from the creek (101 ft). Strict application of regulations would deprive owners of privileges enjoyed by many neighbors who have built structures closer to the passage of the creek.

## Floodplain Regulation

Variances - Conditions and Determinations: A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property. Variances shall only be issued if the Board makes the following five determinations:

- A determination that the variance is the minimum necessary, considering the flood hazards to afford relief;
- A determination of good and sufficient cause;
- A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- A determination that the granting of the variance will not create a danger or hazard to persons or property in a regulatory floodplain in the area of jurisdiction or result in increased flood heights, additional threats to public safety, the creation of a nuisance, the victimization of or fraud on the public, or that the variance is not in conflict with other local laws or regulations; and
- Special circumstances, such as size, shape, topography, location or surroundings of the property, would cause strict application of the regulations to deprive the property of the privileges enjoyed by similar property in a regulatory floodplain or other area.



Parcel 401-21-007





# Looking downstream

Bank Protection along wash

Cabin







Finished Floor

# Staff recommendation

- Violation of Planning and Zoning requirements (building without a permit).
- Violation of Floodplain regulations (building within a FEMA designated mapped floodplain, Zone A) without a floodplain use permit.
- + Are outside of the erosion hazard setback for Turkey Creek (96 ft) at that location.
- Provide engineering study to show finished floor is above 100-yr floodplain or if not, provide an engineered flood proofing structure to protect the cabin.